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27 February–24 March 2017
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Angola,* Armenia,* Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Brazil, Bulgaria,* Canada,* Chile,* Croatia, Cyprus,* Czechia,* Denmark,* Ecuador, Estonia,* Finland,* France,* Germany, Ghana, Greece,* Haiti,* Honduras,* Hungary, Iceland,* Ireland, Israel,* Italy,* Japan, Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Mexico,* Montenegro,* Morocco,* Netherlands, New Zealand,* Norway,* Paraguay, Peru,* Poland,* Portugal, Republic of Moldova,* Romania,* Serbia,* Slovakia,* Slovenia, Spain,* Sweden,* the former Yugoslav Republic of Macedonia,* Tunisia, Ukraine,* United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay:* draft resolution

34/... Torture and other cruel, inhuman or degrading treatment or punishment: mandate of the Special Rapporteur

The Human Rights Council,

Reaffirming that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law that must be respected and protected under all circumstances, including in times of international and internal armed conflict or internal disturbance or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in the relevant international instruments, and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

Recalling also that the prohibition of torture is a peremptory norm of international law that is without territorial limitation, and that international, regional and domestic courts have recognized the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

* State not a member of the Human Rights Council.

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Recognizing the importance of the work of the Special Rapporteur in the prevention and fight against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for a further period of three years:

(*a*) To seek, receive, examine and act on information from Governments, intergovernmental and civil society organizations, individuals and groups of individuals regarding issues and alleged cases concerning torture or other cruel, inhuman or degrading treatment or punishment;

(*b*) To conduct country visits with the consent or at the invitation of Governments and to enhance further dialogue with them, and to follow up on recommendations made in reports after visits to their countries;

(*c*) To study, in a comprehensive manner, trends, developments and challenges in relation to combating and preventing torture and other cruel, inhuman or degrading treatment or punishment, and to make recommendations and observations concerning appropriate measures to prevent and eradicate such practices;

(*d*) To identify, exchange and promote best practices on measures to prevent, punish and eradicate torture and other cruel, inhuman or degrading treatment or punishment;

(*e*) To integrate a gender perspective and a victim-centred approach throughout the work of his or her mandate;

(*f*) To continue to cooperate with the Committee against Torture, the Subcommittee on Prevention of Torture and relevant United Nations mechanisms and bodies and, as appropriate, regional organizations and mechanisms, national human rights institutions, national preventive mechanisms and civil society, including non-governmental organizations, and to contribute to the promotion of strengthened cooperation among the above-mentioned actors;

(*g*) To report on all of his or her activities, observations, conclusions and recommendations to the Human Rights Council in accordance with its programme of work, and annually on overall trends and developments with regard to his or her mandate to the General Assembly, with a view to maximizing the benefits of the reporting process;

2. *Urges* States:

(*a*) To cooperate fully with and assist the Special Rapporteur in the performance of his or her task, to supply all necessary information requested by him or her and to fully and expeditiously respond to his or her urgent appeals, and urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

(*b*) To respond favourably to the Special Rapporteur's requests to visit their countries, and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries;

(*c*) To ensure, as an important element in preventing and combating torture and other cruel, inhuman and degrading treatment or punishment, that no authority or official orders, applies, permits or tolerates any sanction, reprisal, intimidation or other prejudice against any person, group or association, including persons deprived of their liberty, for

contacting, seeking to contact or having been in contact with the Special Rapporteur or any other international or national monitoring or preventive body active in the prevention and combat of torture and other cruel, inhuman or degrading treatment or punishment;

(*d*) To ensure proper follow-up to the recommendations and conclusions of the Special Rapporteur;

(*e*) To adopt a victim-centred and gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to the views and needs of victims in policy development and other activities relating to rehabilitation, prevention and accountability for torture and other cruel, inhuman or degrading treatment or punishment, and gender-based violence that constitutes torture or other cruel, inhuman or degrading treatment or punishment;

(*f*) To become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to give early consideration to signing and ratifying the Optional Protocol thereto as a matter of priority, and to designating or establishing independent and effective national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment in a timely manner;

(*g*) To ensure appropriate follow-up to conclusions, recommendations, requests for further information and views on individual communications of the relevant treaty bodies, including the Committee against Torture and the Subcommittee on Prevention of Torture;

(*h*) To consider providing adequate support to the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. *Welcomes* the report of the Special Rapporteur;[1]

4. *Requests* the Secretary-General to ensure, from within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing and the facilities and resources necessary for the Special Rapporteur, bearing in mind the strong support expressed by Member States for preventing and combating torture and assisting victims of torture;

5. *Decides* to continue to consider this matter in conformity with its annual programme of work.

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[1] A/HRC/34/54.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Chile,* Costa Rica,* Croatia, Cyprus,* Czechia,* Denmark,* Fiji,* Finland,* France,* Gabon,* Georgia, Haiti,* Honduras,* Hungary, Iceland,* Ireland,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Maldives,* Mexico,* Montenegro,* Morocco,* Netherlands, Peru,* Portugal, Romania,* Slovenia, Spain,* Sudan,* Switzerland, Timor-Leste,* Tunisia, Ukraine,* Uruguay,* State of Palestine:* draft resolution

34/... Human rights and the environment

The Human Rights Council,

Reaffirming all its resolutions on human rights and the environment, the most recent of which are resolution 28/11 of 26 March 2015 and resolution 31/8 of 23 March 2016, and relevant resolutions of the General Assembly and the Commission on Human Rights,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, its commitment to working tirelessly for the full implementation of the Agenda by 2030, its recognition that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, its commitment to achieving sustainable development in its three dimensions — economic, social and environmental — in a balanced and integrated manner, and to building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business, and aiming to contribute to the full implementation of that Agenda by 2030, and to the high-level political forum on sustainable development as the central United Nations platform for the follow-up and review thereof,

Recalling also the outcome of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012, and its outcome document, "The

* State not a member of the Human Rights Council.

Future We Want", which reaffirmed the principles of the Rio Declaration on Environment and Development, including principle 7,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Recalling the provisions of the Cancun Declaration on mainstreaming the conservation and sustainable use of biodiversity for well-being, adopted at the high-level segment of the thirteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Cancun, Mexico on 2 and 3 December 2016, and looking forward to the fourteenth meeting, to be held in Egypt,

Recalling also the outcomes of the second session of the United Nations Environment Assembly, and looking forward to the third session, to be held in Nairobi from 4 to 6 December 2017,

Recognizing that human beings are at the centre of concerns for sustainable development, that the right to development must be fulfilled in order to meet the development and environmental needs of present and future generations equitably, that sustainable development requires healthy ecosystems, and that the human person is the central subject of development and should be an active participant in and the beneficiary of the right to development,

Welcoming the entry into force of the Paris Agreement, adopted under the United Nations Framework Convention on Climate Change, in which the parties acknowledge in the preamble that they should, when taking action to address climate change, respect, promote and consider their respective obligations with regard to human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, the empowerment of women and intergenerational equity,

Taking note of the outcomes of the twenty-second session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and the Marrakech Action Proclamation for Our Climate and Sustainable Development,

Recognizing that sustainable development and the protection of the environment, including ecosystems, contribute to human well-being and to the enjoyment of human rights, including the rights to life, to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to safe drinking water and sanitation and to housing, and cultural rights,

Recognizing also, conversely, the impact of climate change, the unsustainable management and use of natural resources, the unsound management of chemicals and waste, the resulting loss of biodiversity and the decline in services provided by ecosystems may interfere with the enjoyment of a safe, clean, healthy and sustainable environment, and that environmental damage can have negative implications, both direct and indirect, for the effective enjoyment of all human rights,

Recognizing further the importance of gender equality, the empowerment of women and the role women play as managers of natural resources and agents of change in the safeguarding of the environment,

Recognizing that, while the human rights implications of environmental damage are felt by individuals and communities around the world, the consequences are felt most acutely by those segments of the population that are already in vulnerable situations,

Recognizing also that degradation and loss of biodiversity often result from and reinforce existing patterns of discrimination, and that environmental harm can have disastrous, and at times geographically dispersed consequences on the quality of life of

indigenous peoples, local communities, peasants and others who rely directly on the products of forests, rivers, lakes, wetlands and oceans for their food, fuel and medicine, resulting in further inequality and marginalization,

Acknowledging that wetlands are the ecosystem with the highest rate of loss and degradation, and aware that indicators of current trends suggest that pressure on biodiversity and wetlands will increase in the years to come,

Recognizing the key role that wetlands play in maintaining water quantity and quality, among other things, and recalling General Assembly resolutions 68/157 of 18 December 2013 and 70/169 of 17 December 2015 on safe drinking water and sanitation, which are essential for the full enjoyment of all human rights,

Recognizing also the need to change human development patterns, behaviour and activities to respect nature as a fundamental condition for the well-being of all forms of life, which depend on the conservation and sustainable use of biodiversity, and the ecosystem services it underpins, and in this regard, recalling Goal 12 of the 2030 Agenda for Sustainable Development, on ensuring sustainable consumption and production patterns, and target 12.1 on implementing the 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns,

1. *Welcomes* the work undertaken to date by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and takes note of his most recent report on the human rights obligations relating to the conservation and sustainable use of biological diversity;[1]

2. *Also welcomes* the work of the Office of the United Nations High Commissioner for Human Rights on the issue of human rights and the environment;

3. *Further welcomes* the work undertaken by the United Nations Environment Programme in support of the mandate of the Special Rapporteur, and in helping to clarify the relationship between human rights and the environment;

4. *Takes note with appreciation* of the work undertaken by the Geneva Pledge for Human Rights in Climate Action and other countries and relevant actors in helping to mainstream the human rights perspective into the climate change and environment agenda;

5. *Calls upon* States:

(*a*) To respect, protect and fulfil human rights, including in all actions undertaken to address environmental challenges, including the rights to life and to the enjoyment of the highest attainable standard of physical and mental health, to an adequate standard of living, to adequate food, to safe drinking water and sanitation, and to housing and cultural rights;

(*b*) To adopt and implement strong laws ensuring, among other things, the rights to participation, to access to information and to justice, including to an effective remedy, in the field of the environment;

(*c*) To facilitate public awareness and participation in environmental decision-making, including of civil society, women, children, youth, indigenous peoples, local communities, peasants and others who depend directly on biodiversity and the services provided by ecosystems, by protecting all human rights, including the rights to freedom of expression and to freedom of peaceful assembly and association;

[1] A/HRC/34/49.

(*d*) To implement fully their obligations to respect and ensure human rights without distinction of any kind, including in the application of environmental laws and policies;

(*e*) To promote a safe and enabling environment in which individuals, groups and organs of society, including those working on human rights and environmental issues, including biodiversity, can operate free from threats, hindrance and insecurity;

(*f*) To provide for effective remedies for human rights violations and abuses, including those relating to the enjoyment of a safe, clean, healthy and sustainable environment, in accordance with their international obligations and commitments;

(*g*) To establish or maintain effective legal and institutional frameworks to regulate the activities of public and private actors in order to prevent, reduce and remedy harm to biodiversity;

(*h*) To take into account human rights obligations and commitments relating to the enjoyment of a safe, clean, healthy and sustainable environment in the implementation of and follow-up to the Sustainable Development Goals, bearing in mind the integrated and multisectoral nature of the latter;

6. *Encourages* States:

(*a*) To adopt an effective normative framework for the enjoyment of a safe, clean, healthy and sustainable environment, including biodiversity and ecosystems;

(*b*) To address compliance with human rights obligations and commitments relating to the enjoyment of a safe, clean, healthy and sustainable environment in the framework of human rights mechanisms, including the universal periodic review, and the submission of State party reports to relevant United Nations human rights treaty bodies;

(*c*) To facilitate the exchange of knowledge and experiences between experts in the environmental and human rights fields, and to promote coherence among different policy areas;

(*d*) To build capacities for taking human rights obligations and commitments into account in their efforts to protect the environment;

(*e*) To explore ways to incorporate information on human rights and the environment, including climate change, biodiversity and ecosystem services, in school curricula, in order to teach the next generations to act as agents of change, including by taking into account indigenous knowledge;

(*f*) To seek to ensure that projects supported by environmental finance mechanisms respect all human rights;

(*g*) To collect disaggregated data on the effects of environmental harm, including the loss of biodiversity and the decline of ecosystem services, on persons in vulnerable situations;

(*h*) To promote environmental action, including climate action that is gender-responsive and includes gender equality and empowerment of women, and takes into consideration the vulnerability of ecosystems and the needs of persons and communities in vulnerable situations;

(*i*) To continue to share good practices in fulfilling human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, including biodiversity and healthy ecosystems, through the good practices database maintained by the Special Rapporteur;

(*j*) To strengthen their efforts to protect biodiversity, including by meeting their national targets, thereby contributing to the achievement of the Strategic Plan for Biodiversity 2011-2020 and its associated Aichi Biodiversity Targets under the Convention on Biological Diversity;

(*k*) To build capacity for the judicial sector to understand the relationship between human rights and the environment;

(*l*) To foster a responsible private business sector and to encourage corporate sustainability reporting while protecting environmental standards in accordance with relevant international standards and agreements, including the Guiding Principles on Business and Human Rights, and other ongoing initiatives in this regard;

(*m*) To consider further, among other aspects, respect for and promotion of human rights within the framework of the United Nations Framework Convention on Climate Change, including at the twenty-third session of the Conference of the Parties, to be organized by Fiji and held in Bonn, Germany, from 6 to 17 November 2017;

7. *Recognizes* the important role played by individuals, groups and organs of society, including human rights defenders, in the promotion and protection of human rights as they relate to the enjoyment of a safe, clean, healthy and sustainable environment, including biodiversity and ecosystems;

8. *Also recognizes* the important role of national human rights institutions in support of human rights relating to the enjoyment of a safe, clean, healthy and sustainable environment, including biodiversity and ecosystems;

9. *Requests* the Special Rapporteur, in collaboration with the Office of the High Commissioner:

(*a*) To convene, prior to the thirty-seventh session of the Human Rights Council, a one-day expert seminar on best practices, lessons learned and the way forward with regard to human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, informed by the findings of the mandate holder;

(*b*) To invite States and other relevant stakeholders, including academic experts and civil society organizations, to participate actively in the seminar;

(*c*) To invite relevant experts of United Nations agencies, funds and programmes, other international organizations and conventions to participate in the seminar;

(*d*) To submit to the Human Rights Council, at its thirty-seventh session, a report on the above-mentioned seminar, including any recommendations stemming therefrom, for consideration of further follow-up action;

10. *Stresses* the need for enhanced cooperation among States, the United Nations Development Programme, the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations, the Office of the United Nations High Commissioner for Human Rights and other relevant international and regional organizations, agencies, conventions and programmes, in accordance with their respective mandates, including by regularly exchanging knowledge and ideas and building synergies in the protection of human rights and the protection of the environment, bearing in mind an integrated and multisectoral approach;

11. *Decides* to remain seized of the matter, in accordance with its annual programme of work.